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SEC

SERVICE DATE - AUGUST 28, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42043

FARMCO, INC. v. CENTRAL KANSAS RAILWAY L.L.C. AND
KANSAS SOUTHWESTERN RAILWAY L.L.C.

Decided: August 24, 2001

On June 4, 1999, Famco, Inc. (FMCO), a farmers' cooperative, filed a complaint, subsequently amended, alleging that between July 1, 1998, and September 30, 1998, Central Kansas Railway, L.L.C. (CKR) and Kansas Southwestern Railway, L.C.C. (KSW), failed to deliver hopper cars that were guaranteed under certain grain car allocation procedures set forth in Union Pacific Railroad Company tariffs. On June 29, 2001, the Kansas and Oklahoma Railroad, Inc. (K&O) acquired all rail lines that had been owned and leased by CKR and KSW, including the line on which FMCO's elevators are located.

In a Motion to Dismiss filed on August 22, 2001, FMCO states that it has signed an agreement with K&O that settles all of the issues raised in its complaint against CKR and KSW, and requests that this proceeding be dismissed with prejudice. The request will be granted.

It is ordered:

1. This proceeding is dismissed with prejudice.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary